

S. 3821

A. 5355

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

February 18, 2015

IN SENATE -- Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Education

IN ASSEMBLY -- Introduced by M. of A. JAFFEE, ZEBROWSKI -- read once and referred to the Committee on Education

AN ACT authorizing the commissioner of education to appoint a state monitor to oversee the East Ramapo central school district and establishing the powers and duties of the state monitor; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Definitions. For the purposes of this act, the following  
2 terms shall have the following meanings:  
3 (a) "board of education" or "board" shall mean the board of education  
4 of the East Ramapo central school district.  
5 (b) "commissioner" shall mean the commissioner of education.  
6 (c) "department" shall mean the state education department.  
7 (d) "school district" or "district" shall mean the East Ramapo central  
8 school district.  
9 (e) "state monitor" or "monitor" shall mean the person appointed  
10 pursuant to section two of this act, or an interim person appointed to  
11 such position.  
12 (f) "superintendent" shall mean the superintendent of the East Ramapo  
13 central school district.  
14 S 2. Appointment. (a) The commissioner shall appoint a state monitor  
15 to provide direct oversight of the educational and fiscal policies,  
16 practices, programs and decisions of the East Ramapo central school  
17 district, the board of education and superintendent within sixty days  
18 following the effective date of this act. The commissioner shall provide  
19 the monitor technical support and assistance for the purposes of carry-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 ing out his or her duties under this act, if requested by the state  
2 monitor. The state monitor shall serve at the pleasure of the commis-  
3 sioner.

4 (b) The commissioner shall have the authority to appoint a state moni-  
5 tor on an interim basis during the search for a permanent appointment  
6 and in the event of resignation, death, incapacity, or any other reason  
7 which causes the monitor to be unable to perform his or her duties and  
8 until such time as a permanent state monitor is appointed. Any state  
9 monitor appointed on an interim basis shall have the powers and duties  
10 of the state monitor contained in this act.

11 (c) The state monitor, including his or her staff, shall be paid a  
12 fixed salary set by the commissioner and shall be reimbursed for actual  
13 expenses incurred in the performance of their duties including travel  
14 and supplies. The costs associated with the implementation of this act  
15 shall be borne by the state of New York from an appropriation for that  
16 purpose.

17 (d) Notwithstanding any other provision of general or special law, the  
18 earnings limitations contained in any such general or special law, local  
19 law and/or charter and applicable to the employment of persons in a  
20 position or positions in public service in any calendar year while  
21 retired and receiving a retirement allowance shall not apply to any  
22 appointment authorized by this act. If applicable, the state monitor may  
23 continue as retired and without loss, suspension or diminution of his or  
24 her retirement allowance provided that such individual is granted a  
25 waiver of retirement earnings limitation by the commissioner of educa-  
26 tion.

27 (e) For the purposes of this act, the state monitor and his or her  
28 staff shall be considered state employees as defined in the public offi-  
29 cers law.

30 S 3. State monitor powers. The state monitor shall have the power to:

31 (a) Propose a resolution or course of action to be considered by the  
32 board of education or superintendent if the state monitor finds that  
33 such resolution or course of action is necessary in order to carry out  
34 his or her duties required by this act and is necessary for the educa-  
35 tional welfare of the students attending the district and/or the fiscal  
36 stability of the district. If such resolution or course of action is  
37 proposed, the board must vote on the proposed resolution or course of  
38 action within fourteen days of receiving such resolution, or at the next  
39 regularly scheduled board meeting.

40 (b) Override decisions by the board or superintendent if he or she  
41 finds that such override is necessary in order to carry out his or her  
42 duties required by this act and is necessary for the educational welfare  
43 of the students attending the district and/or the fiscal stability of  
44 the district. The state monitor may override a decision by the board or  
45 superintendent by issuing a directive, which must include specific find-  
46 ings as to the necessity of such override. The board may appeal the  
47 state monitor's override in accordance with section five of this act.

48 (c) Access all district documents and records. School district person-  
49 nel shall provide any and all documents requested by the state monitor  
50 or his or her designee, and the state monitor shall have access to all  
51 electronic information systems, databases, and planning documents. The  
52 monitor shall maintain the security and confidentiality of all informa-  
53 tion protected from disclosure by federal or state law or regulation.

54 (d) Direct the board, superintendent, and/or other school district  
55 officers to undergo any training as deemed necessary and pursuant to  
56 timelines established by the state monitor.

1 (e) Hire staff necessary to assist in carrying out the state monitor's  
2 duties required by this act, subject to a staffing plan approved by the  
3 commissioner of education.

4 (f) Hold public hearings or forums on school district matters as he or  
5 she deems necessary.

6 (g) Conduct any relevant studies, reports, and reviews of district  
7 matters.

8 S 4. State monitor duties. The state monitor shall have the following  
9 duties:

10 (a) Develop and implement a five-year strategic academic and fiscal  
11 improvement plan in consultation with the commissioner and the board  
12 within six months from the date of appointment.

13 1. The monitor shall hold at least one public hearing within the  
14 district, prior to the certification of the plan by the state monitor,  
15 for the purpose of presenting the contents of the improvement plan and  
16 seeking public comment on its contents. The superintendent shall ensure  
17 that notice for the public hearing or hearings are posted in a manner to  
18 maximize the participation of parents, students, and school personnel.

19 2. The plan must establish a set of goals with appropriate benchmarks  
20 and measurable objectives and identify strategies to address areas where  
21 improvements are needed in school district operations, including but not  
22 limited to its financial stability, academic opportunities and outcomes,  
23 education of students with disabilities, education of English language  
24 learners, community relations and board governance practices, and shall  
25 ensure district compliance with all applicable state and federal laws  
26 and regulations.

27 3. The plan shall be publicly available at least fourteen days before  
28 the hearing or hearings at which it will be presented and the super-  
29 intendent shall ensure that copies thereof shall be prepared and made  
30 available, upon request, to residents within the district at each  
31 schoolhouse in the district in which school is maintained during certain  
32 designated hours on each day other than a Saturday, Sunday or holiday  
33 during the seven days immediately preceding such hearing or hearings.

34 4. Following the hearing or hearings held pursuant to paragraph one of  
35 this subdivision, but prior to certification of the improvement plan by  
36 the state monitor, the state monitor shall publicly report to the board  
37 an assessment of all public comments concerning the proposed plan and a  
38 description of any changes made to such plan as a result of public  
39 comments received. The certified plan must be submitted to the board,  
40 commissioner, governor, the temporary president of the senate, and the  
41 speaker of the assembly.

42 (b) Attend all meetings of the board including executive sessions. The  
43 state monitor, or designee of the monitor, shall be deemed to be a non-  
44 voting member of the board and shall be entitled to sit with board  
45 members at all meetings of the board and participate in all board hear-  
46 ings and meetings, and the superintendent shall be required to provide  
47 adequate notice to the state monitor of all such meetings and hearings.  
48 The state monitor shall ensure to the extent practicable that the board  
49 conducts all meetings, including executive sessions, in compliance with  
50 article seven of the public officers law, and shall be authorized to  
51 seek written advisory opinions from the committee on open government.

52 (c) Supervise the fiscal and operational management and academic  
53 programming of the school district, including, but not limited to, over-  
54 sight over the development of the annual budget, resource allocations,  
55 contracts, facility management, educational program, and use of district  
56 funds.

1 (d) Submit an annual report and quarterly updates to the board,  
2 commissioner, governor, the temporary president of the senate, and the  
3 speaker of the assembly on the progress of the strategic academic and  
4 fiscal improvement plan, actions undertaken by the monitor, any finan-  
5 cial information the monitor deems appropriate, and other district  
6 matters of importance, including recommendations with respect to state  
7 funding levels, improvement of school operations, or other policy  
8 suggestions at the discretion of the state monitor. At the conclusion of  
9 the monitor's appointment as determined by section seven of this act,  
10 the state monitor shall issue a final report that includes long term  
11 recommendations that address the unique needs of the school district.

12 S 5. Appeal process for monitor decisions. Notwithstanding any other  
13 law, rule or regulation to the contrary, all decisions made by the state  
14 monitor, including decisions to overturn board and superintendent  
15 actions, shall be final and conclusive unless and until modified or  
16 reversed in an appeal to the commissioner pursuant to this section. When  
17 the board alleges that a reversal of a board or superintendent decision  
18 by the state monitor violates the education law, the rules of the board  
19 of regents, the regulations of the commissioner, or the terms of a  
20 certified five-year strategic academic and fiscal improvement plan, the  
21 board may appeal by petition to the commissioner in accordance with  
22 procedures established by the commissioner pursuant to section three  
23 hundred eleven of the education law.

24 S 6. Regulations. The commissioner shall be authorized to promulgate  
25 regulations and immediately take such other actions as necessary to  
26 implement the provisions of this act.

27 S 7. Appointment period. The appointment of the state monitor shall be  
28 for a period of at least five years from the initial date of the state  
29 monitor appointment. At the expiration of the initial appointment peri-  
30 od, the commissioner, in consultation with the board of regents, shall  
31 have the authority to extend the appointment for an additional period of  
32 time in intervals of one to five years, as determined by the commis-  
33 sioner. The appointment may be extended, for a term or terms as the commis-  
34 sioner deems necessary consistent with the repeal date of this act.

35 S 8. This act shall take effect immediately and shall expire and be  
36 deemed repealed December 31, 2025.